



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD
Phone: (978) 874-7414
swallace@westminster-ma.gov

Jon Wyman - Chairman, Marie N. Auger - Vice Chair, Michael Fortin Andrew Rice

MINUTES OF REGULAR MEETING

Tuesday, December 8, 2015
Room 222, Town Hall

Attendees: Jon Wyman , Marie Auger, Mike Fortin, Andrew Rice, Town Planner Stephen Wallace

Absent:

Additional Attendees: Mr. Siobhan Bartkus, Mr. Edvardas Bartkus, Mr. Paul Bartkus Sr., Mr. Dan Bartkus, Mr. Paul Bartkus Jr., Mr. Wesley Flis, Mr. Stephen Belliveau, Mr. Jeffrey A. Aveni, Mr. Alan Belanger, Mr. Jim????????.

7:00 p.m.

Jon opened the Planning Board meeting and informed those present the meeting was being audio recorded. Mr. Dan Bartkus indicated he would be recording his portion of the meeting.

7:00 p.m. - *Minutes*

Jon asked PB members to review the November 24, 2015 meeting minutes. Marie motioned to approve the minutes. Seconded Andrew. The PB voted AIF to accept the minutes.

7:01 p.m. *Rowtier Drive progress report – Dig & Pour LLC.*

Mr. Alan Belanger told the PB that he is a little behind installing his sewer and drainage for the road. He has run into ledge. All the sub-grades are in. The road will probably be extended a little bit longer to get away from ledge near Greg Hine's property. Sewer manhole #55 will be relocated slightly to maintain a 10 foot clearance requirement to the main waterline and has been discussed by Mr. Belanger and Josh Hall/DPW. The new location will be noted on the future as built plan. The gravel for the road is on site and will be placed when the sewer line work is completed. Mr. Belanger still feels he is on schedule to ask the Town to take over the road in 2017. Mr. Belanger told the Board there is a gate at the end of the cul-de-sac and the site he owns is secure. There are 4 of the 12 storage containers he intends to have now on site.

Catch basins #12 and #13 still remain to be installed.

The land fronting on Rt. 31 is awaiting more engineering work.

Stephen noted that the DPW had no comments on the work at Rowtier Drive.

7:12 p.m. *Village at Old Mill Subdivision: progress report – Gary Litchfield.*

Stephen informed the Board he had received a message from Mr. Litchfield that he had a last minute family emergency and would not be able to attend. Stephen will reschedule him for January.

7:13 p.m. *Dan Bartkus and Whitman & Bingham: discussion regarding how to proceed with the Woods at Westminister subdivision.*

Stephen told the Board this is a project that was approved by the PB in 2007 and has remained dormant since.

Mr. Wesley Flis/Whitman Bingham updated the Board: They have been working with the Sewer Commission/DPW and the Board of Health to come up with alternatives after being told by the Sewer Department they could not tie into the South Ashburnham Road pump station. In 2007, expecting tie in to the town sewer, the project was laid out to be a "cluster subdivision" with lot sizes ranging from 10,000 - 15,000 square feet. Those lot sizes are too small to accommodate on site individual septic

systems and they have been doing soil testing in Phase 1 of the subdivision for 42 lots. The original approval was for an entire project total of 141 lots. With the revision proposed it would bring the total down to 127 lots. The Phase 1 lots would be 30,000 to 40,000 square feet to accommodate 3 and 4 bedroom homes. They are working with the Board of Health for the possibility of a common septic system for Phase 2.

Mr. Flis told the Board he would like to come into the next meeting to get an ANR plan endorsed for the new lot sizes. Marie told Mr. Flis it would not be an ANR plan because there was no accepted road. Marie told Mr. Flis it would be a modification of the subdivision plan. Mr. Dan Bartkus told the Board that some of the lots on the original plan were 29,000 square feet, some as much as 60,000 square feet. By making them all at least 30,000 square feet, the lots would accommodate the nitrogen loading for on site septic systems. Mr. Bartkus told the Board he had an endorsed plan that had never been recorded at the Registry of Deeds. Stephen read qualifying ways for ANR approval: A public way or a way which the municipal clerk certifies is used and maintained as a public way, A way shown on a plan approved and endorsed in accordance with the subdivision control law. Mr. Flis showed the Board an endorsed set of plans. Stephen noted he did not have a copy of the endorsed plans in the files and asked for a copy.

Stephen read his recommendations to the Board: Revise the 2007 plans to bring them up to date to the current decision. Remove the sewer lines and update with septic and well locations. Revise plans to show correct number of lots to be built. Plans should indicate Phases. Get a covenant in place. Reopen the public hearing.

Mr. Flis noted that at the time of the 2007 approval, Condition 1 stated that none of the lots shall be built upon until adequate water supply and waste water disposal system to service the lot has been provided and duly permitted. Condition 2 stated final amended Definitive Plans shall be reviewed by McCarty Engineering, Inc. and Josh Hall.

Stephen noted there was approximately \$4,500 remaining in a 53G account for the project. Mr. Flis stated they would have no issue with that being done as it amounted to removing sewer and revising lot lines. Mr. Flis noted that the project has received written extensions until November 2017.

Marie again noted that they would be modifying the existing plan. The project will still be a cluster subdivision with the same amount of open space.

Stephen asked when they would like to get going. Mr. Dan Bartkus said they would like to get started in the spring and would hope to get 12-14 lots using the driveway that already exists. They would like to construct the project to not affect the existing golfing business. Stephen asked Marie what the past practice had been to bond the roadway. Mr. Bartkus stated they had already paid about \$50,000. Marie noted that the money had gone toward the filing fee. Stephen noted that in April 2006, they had submitted a preliminary filing fee of \$7,500. In September 2006, a definitive subdivision fee of \$39,600 and a special permit filing of \$200. Stephen stated all of those fees are associated with the Towns time of reviewing the plans and are not a part of a covenant. Mr. Dan Bartkus said they had to sign off on the McCarty fees of \$10,000. Mr. Flis noted it was an agreement with the Board at that time to use \$10K of the filing fees for the McCarty review.

Mr. Flis noted condition #13 referring to the applicant providing a covenant and the applicants ability to replace the covenant with a tri-party agreement or other type of performance guaranty as provided for in Section 81U of M.G.L. Chapter 41. Marie noted that under a covenant, the roadway needs to be fully constructed in front of the lot before it is released.

The PB and applicant agreed that the applicant will send a letter to the PB asking for modifications to the plan. The plan will be revised to eliminate the sewer lines, show locations of wells and septic systems and newly adjusted lot lines. Stephen will add the applicant to a future PB meeting in January when the plans have been updated.

8:49 p.m. Review and Comment: ZBA Application for Special Permit on behalf of Healing Hills Village Addiction and Recovery LLC, to operate a drug rehabilitation facility located at 9 Village Inn Road.

Stephen told the Board that there is a deal pending between the current owners of the Village Inn and Healing Hills LLC. Ten acres were previously separated for Healing Hills LLC from the Village

Inn property. Healing Hills will be filing for site plan review with the PB. They are going to be before the ZBA on December 17th for a special permit. Stephen has scheduled a technical review staff meeting on December 15th.

There was discussion about the present sewer pipes being shared with buildings that still remain on the Village Inn property. Marie would also like to pursue an easement on the property for the Mid State Trail.

The Board discussed issues related to the Hidden Hills LLC. Stephen told the Board there will be starting with about 40 staff members. The business will pay taxes. Stephen noted the facility would not be taking court commitments. The rehabilitation patients would be privately paid. Mike noted it would provide living wage jobs and pay tax revenue, two recommendations of the Master Plan for the commercial property. Jon agreed and noted it meets a state need for crisis treatment facilities.

After further discussion Marie moved the PB send a memo of support of the facility. Seconded Mike. Voted AIF.

8:58 p.m. Planning Board budget discussion.

Stephen told the Board he would like to propose a \$200 increase for the PB advertising budget in anticipation of the Zoning work public hearings that will need happen leading up to the Annual Town Meeting. There was some discussion about stipends for Planning Board members and other Boards that have received stipends. The PB agreed that they would leave the budget as Stephen had proposed.

9:15 p.m. Town Planner's report for November.

Mike asked about the Master Plan Implementation Committee. Stephen told the Board that the Selectmen had received an underwhelming response for volunteers. He proposed the Selectmen bring one Board or Committee in each month. The Selectmen asked Stephen to ask the PB to take on the responsibility. The PB discussed the subject, and agreed the Selectmen should be responsible for the Master Plan and its implementation. The idea being that the Selectmen would: 1) take ownership of the plan, 2) the Selectmen have more sway and authority over the boards/departments, and 3) Selectmen meetings are televised and would better inform the public about what is being done to move the town forward.

9:30 p.m. Adjourn.

Marie made a motion to adjourn. Mike seconded. The PB voted AIF to adjourn.

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

4 Attachments :

- 1) Rowtier Drive Schedule of Improvements provided by Alan Belanger dated 11/25/14 (mistake-should be 2015) 3 pages.
- 2) ZBA Request for comment package No 15-09 dated 11/20/2015: ZBA Special Permit Request for Hidden Hills LLC for an alcohol and drugs rehabilitation facility...at 9 Village Inn Road. 12 pages.
- 3) Town Planner monthly memo to BOS dated November 25, 2015. 3 pages.
- 4) Definitive Plan Conditional Approval and Special Permit to Allow Cluster Development at Westminster Estates dated 2007 Apr 24. Recorded: Bk 6463 Page 239-244